

04-12-04

**Petition For Revival Of An Application For Patent Abandoned  
Unintentionally Under 37 CFR 1.137(b) (Large Entity)**

DAC

Docket No.  
H0001028 -4000

In Re Application Of: Biggs

#7

Serial No.  
09/905,686

Filing Date  
January 4, 2001

Examiner  
Price

Group Art Unit  
3749

Invention: Vegetable-Based Compositions and Articles and Methods of Making Same

RECEIVED

APR 14 2004



Attention: Office of Petitions  
COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

OFFICE OF PETITIONS

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper response to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extension of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee--required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. ☒ A proposed reply to the above-identified notice or action:

☒ is enclosed. ☐ was filed on \_\_\_\_\_

The proposed reply is in the form of:

Response Pursuant to 37 C.F.R. 1.111

2. ☐ The issue fee:

☐ is enclosed. ☐ was paid on \_\_\_\_\_

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3. ☒ The abandoned application was a:

☐ design application. ☒ utility application. ☐ plant application.

4. ☐ A terminal disclaimer (and fee) disclaiming a period equivalent to the period of abandonment is enclosed.

5. ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

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**Calculation and Payment of Fees**

Enclosed are the following fees:

- |   |                             |
|---|-----------------------------|
| 6. <input checked="" type="checkbox"/> Petition fee under 37 CFR 1.17(m) in the amount of:          | <u>\$1,330.00</u>           |
| 7. <input type="checkbox"/> Fee for amendment in the amount of:                                     | <u>                    </u> |
| 8. <input type="checkbox"/> Fee for extension of time to respond to Office Action in the amount of: | <u>                    </u> |
| 9. <input type="checkbox"/> Issue fee in the amount of:   | <u>                    </u> |
| 10. <input type="checkbox"/> Continuing application filing fee in the amount of:                    | <u>                    </u> |
| 11. <input type="checkbox"/> Terminal disclaimer fee in the amount of:                              | <u>                    </u> |
| 12. <input type="checkbox"/> _____  | <u>                    </u> |
| Total fees enclosed:  | <u>\$1,330.00</u>           |

The fee of **\$1,330** is to be paid as follows:

- ☒ A check in the amount of the fee is enclosed.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. **19-5425**

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**Statement**

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

*Signature*

Dated: **April 9, 2004**

**Joseph F. Posillico**  
Registration No. 32,290

**SYNNESTVEDT & LECHNER LLP**  
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1101 Market Street  
Philadelphia, PA 19107-2950  
Telephone: (215) 923-4466

I certify that this document and fee is being deposited  
on **April 9, 2004** with the U.S. Postal Service as  
first class mail under 37 C.F.R. 1.8 and is addressed to the  
Mail Stop Petition, Commissioner for Patents, P.O. Box  
1450, Alexandria, VA 22318-1450.

*Signature of Person Mailing Correspondence*

**Darla Synnestvedt**

*Typed or Printed Name of Person Mailing Correspondence*

CC: